

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

March 8, 2004

- C041318 THE PEOPLE v. WOODWARD (Certified for Publication)**
The judgment is affirmed. (*Certified for Publication*)
BUTZ, J.
We concur: Scotland, P.J.
Sims, J.
- C041516 THE PEOPLE v. LOPES (Not for Publication)**
The judgment is affirmed. We remand to the trial court for the limited purpose of sentencing on the rape conviction and preparing and transmitting to the Department of Corrections an amended abstract of judgment.
NICHOLSON, J.
We concur: Scotland, P.J.
Robie, J.
- C042750 THE PEOPLE v. OSBORN (Certified for Publication)**
The judgment is affirmed. (**CERTIFIED FOR PUBLICATION**)
DAVIS, J.
We concur: Sims, Acting P.J.
Hull, J.
- C043779 THE PEOPLE v. WRIGHT, SR. (Not for Publication)**
The superior court is directed to prepare an amended abstract of judgment reflecting the \$170 main jail booking fee and the \$24 main jail classification fee. A copy of the amended abstract is to be forwarded to the Department of Corrections. The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
Davis, J.
- C044624 THE PEOPLE v. MILES (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Davis, J.
Robie, J.

**COURT OF APPEAL
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The Minutes

March 8, 2004, continued

C044210 GREENBRIAR HOMES COMMUNITIES, INC. v. SUPERIOR COURT OF SAN JOAQUIN COUNTY and COURIS et al. (Not for Publication)

The petition for writ of mandate against the trial court's order denying petitioner's motion to compel judicial reference of those claims brought by non-original purchasers is denied. As to those claims brought by original purchasers, the petition is granted. The clerk of this court is ordered to serve a peremptory writ of mandate directing the respondent court to set aside and vacate its ruling of April 8, 2003, denying petitioner's motion to compel to the extent that order concerned petitioner's motion to compel to the extent that order concerned claims brought by original purchasers.

Our stay of the underlying action is dissolved. The parties shall bear their own costs.

NICHOLSON, J.

We concur: Scotland, P.J.
 Davis, J.

March 9, 2004

C040155 THE PEOPLE v. POWELL (Not for Publication)

The judgment is affirmed.

Sims, J.

We concur: Blease, Acting P.J.
 Nicholson, J.

C043581 THE PEOPLE v. COBB (Not for Publication)

The judgment is modified... The superior court shall issue a modified abstract of judgment reflecting these changes and forward a certified copy to the Department of Corrections. In all other aspects, the judgment is affirmed.

HULL, J.

We concur: Davis, Acting P.J.
 Butz, J.

C043737 THE PEOPLE v. BROOKS (Not for Publication)

The judgment is reversed. The trial court is directed to reinstate defendant's probation for drug treatment under Proposition 36.

BLEASE, Acting P.J.

I concur: Robie, J.
I concur in the result:
 Raye, J.

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The Minutes

March 9, 2004, continued

C043988 THE PEOPLE v. BILL (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Davis, Acting, P.J.

Butz, J.

C045055 THE PEOPLE v. GOMES (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Nicholson, Acting P.J.

Raye, J.

C042944

C042947

C042948

**CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY v.
ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF A
PURCHASE AGREEMENT, etc. (Certified for Publication)**

The three judgments entered December 13, 2002, are affirmed. CSCDA shall bear its own costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)

SIMS, J.

I concur: Blease, Acting P.J.

I agree with the judgment and opinion except for the reason proffered for the existence of the provision that "[i]f there is no answering party, only issues related to the jurisdiction of the court to enter a judgment in the action pursuant to this chapter may be raised on appeal.." (Code of Civ. Proc., § 870, subd. (b).)...

Blease, Acting P.J.

While I concur with the majority concerning the right of California Statewide Communities Development Authority (CSCDA) to pursue this appeal from the adverse judgment, I dissent from the majority's holding that the conduit financing agreements under consideration violate article XVI, section 5 of the California Constitution...

Nicholson, J.

C044542 In re K.F.; SISKIYOU COUNTY HUMAN SERVICES DEPARTMENT v. ANGIE F. (Not for Publication)

The juvenile court's order is affirmed.

ROBIE, J.

We concur: Blease, Acting P.J.

Raye, J.

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Raye, J.

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The Minutes

March 10, 2004, continued

- C044454 THE PEOPLE v. HUNTER (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Sims, J.
 Morrison, J.
- C043476 In re JONATHAN S. et al.; BUTTE COUNTY CHILDREN'S SERVICES
DIVISION v. PEGGY M. (Not for Publication)**
The orders appealed from are affirmed.
SIMS, J.
We concur: Scotland, P.J.
 Davis, J.
- C043506 In re JEREMIAH L. et al.; DEPARTMENT OF HEALTH AND HUMAN SERVICES
v. T.L., SR. (Not for Publication)**
The February 27, 2003, orders of the juvenile court are reversed and the matter is remanded to the juvenile court for the purpose of compliance with the notice provisions of ICWA and a determination of whether ICWA applies in this case. The juvenile court is directed to order DHHS to provide proper notice of the proceedings to the Blackfeet tribe under ICWA. Thereafter, if there is no response or if the tribe determines the minor is not an Indian child, the orders shall be reinstated.
BLEASE, Acting P.J.
We concur: Raye, J.
 Robie, J.

March 11, 2004

- C045061 THE PEOPLE v. SHERMAN (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court shall forward a certified copy of the amended abstract to the Department of Corrections.
ROBIE, J.
We concur: Scotland, P.J.
 Raye, J.
- C045176 THE PEOPLE v. STRONG (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections.
ROBIE, J.
We concur: Scotland, P.J.
 Raye, J.

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The Minutes

March 11, 2004, continued

C042007 FONG et al. v. WESTLY, as Controller, etc. (Not for Publication)
The judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Morrison, J.

March 12, 2004

C041509 THE PEOPLE v. PICKRELL (Not for Publication)
The judgment is reversed.
HULL, J.
We concur: Davis, Acting P.J.
Robie, J.

C043497 THE PEOPLE v. BRINKLEY (Not for Publication)
The judgment is affirmed.
HULL, J.
We concur: Davis, Acting P.J.
Butz, J.

C044933 THE PEOPLE v. GABEHART (Not for Publication)
The judgment is modified... As modified, the judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
Davis, J.

C042915 PROTECT THE HISTORIC AMADOR WATERWAYS v. AMADOR WATER AGENCY (Certified For Publication)
The judgment is reversed and the matter is remanded to the trial court with directions to enter a new judgment, consistent with CEQA section 21168.9 and this opinion, granting plaintiff's petition for writ of mandate. Plaintiff shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We concur: Scotland, P.J.
Morrison, J.

C044320 HARRISON, as Co-Trustee, etc., et al. v. WELCH, as Trustee, etc. (Certified for Partial Publication)
The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
Davis, J.

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The Minutes

March 12, 2004, continued

C042260

THE PEOPLE v. COOPER

(Not for Publication)

THE COURT:

It is ordered that the opinion filed herein on March 5, 2004, be modified...

There is no change in the judgment.

BLEASE, Acting P.J.

RAYE, J.

HULL, J.